

Hearing Officer Transmittal Checklist

Hearing Date
09/03/2013
Agenda Item No.

3

Project Number: 99075-(1)
Case(s): Nonconforming Review No. 201000008
Planner: Kristina Kulczycki

- ☒ Project Summary
- ☒ Property Location Map
- ☒ Staff Analysis
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions
- ☒ Burden of Proof Statement(s)
- ☐ Environmental Documentation (ND / MND / EIR)
- ☒ Correspondence
- ☒ Photographs
- ☐ Aerial Image(s)
- ☒ Land Use/Zoning Map
- ☐ Tentative Tract / Parcel Map
- ☒ Site Plan / Floor Plans / Elevations
- ☐ Exhibit Map
- ☐ Landscaping Plans
- ☒ NR 99075 Conditions

Reviewed By:





Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBER

99075-(1)

HEARING DATE

09/03/2013

REQUESTED ENTITLEMENTS

Nonconforming Review No. 201000008

PROJECT SUMMARY

OWNER / APPLICANT

SK AND M INVESTMENTS INC / Marcelo Monroy

MAP/EXHIBIT DATE

05/09/2013

PROJECT OVERVIEW

The applicant is requesting a Nonconforming Review (NCR) to authorize the continued operation and maintenance of an existing neighborhood convenience market (located at 533 S. Rowan Avenue) and an adjacent nonconforming meat market (located at 535 S. Rowan Avenue) on a residentially zoned property.

The site also contains a two-family residence on the second floor of the building. The continued operation of the markets was last approved by Nonconforming Review No. 99075.

LOCATION

533 and 535 S. Rowan Avenue, East Los Angeles

ACCESS

Rowan Avenue

ASSESSORS PARCEL NUMBER(S)

5238-003-048

SITE AREA

0.06 Acres

GENERAL PLAN / LOCAL PLAN

East Los Angeles Community Plan

ZONED DISTRICT

Eastside Unit No. 1

LAND USE DESIGNATION

MD- Medium Density Residential (30 dwelling units per acre)

ZONE

R-3 (Limited Multiple Residence)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

East Los Angeles

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.1550 (Nonconforming Review Burden of Proof Requirements)

CASE PLANNER:

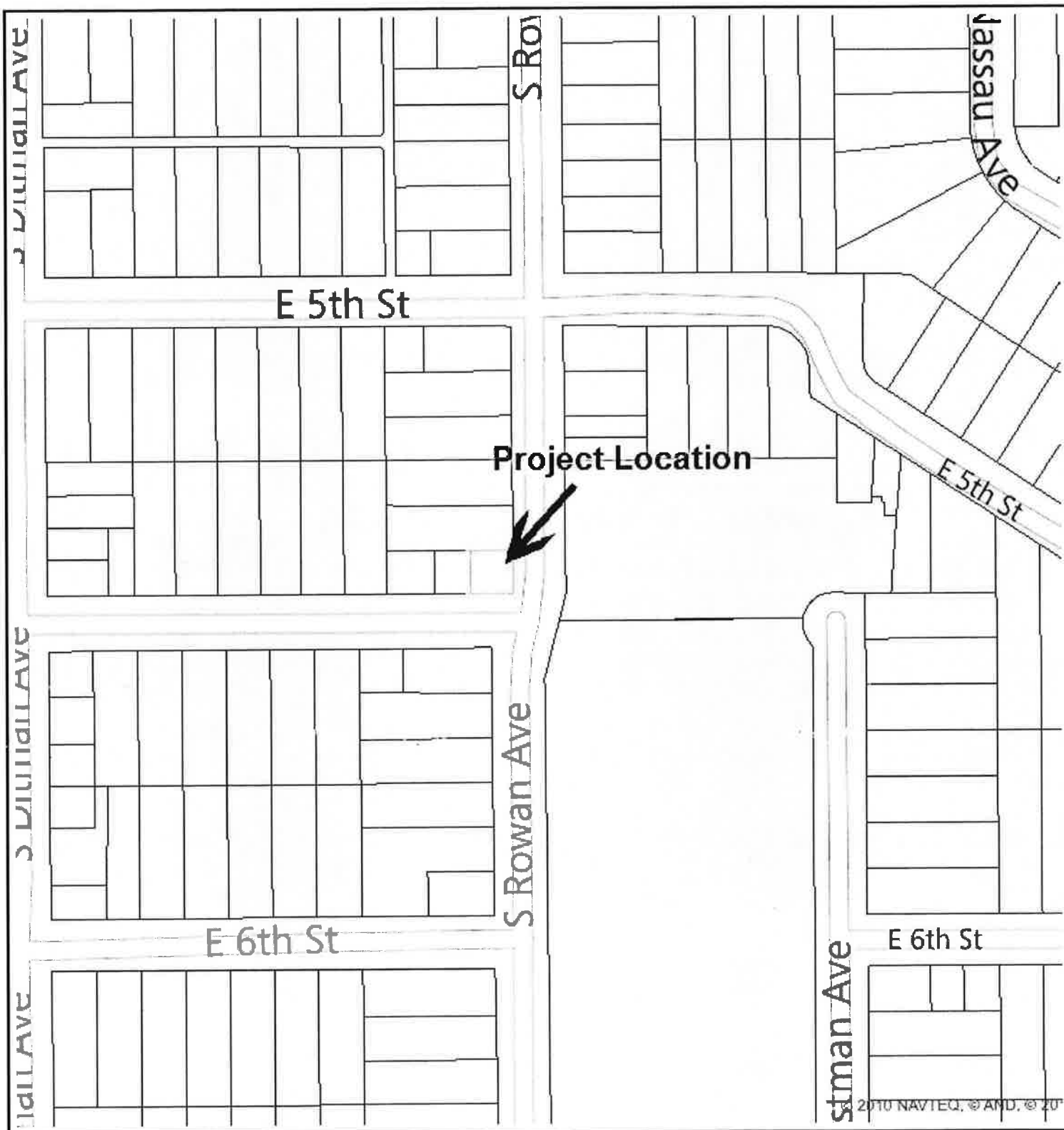
Kristina Kulczycki

PHONE NUMBER:

(213) 974 - 6435

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kkulczycki@planning.lacounty.gov



Department of Regional Planning

99075-(1)

Printed: Aug 19, 2013



0 300
Feet

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ENTITLEMENTS REQUESTED

- Nonconforming Review (NCR) for the continued operation and maintenance of two commercial markets in the R-3 (Limited Multiple Residence) Zone pursuant to County Code Section 22.56.1550.

PROJECT DESCRIPTION

The applicant is requesting an NCR for the continued use of a neighborhood convenience market and a meat market. The two-story building contains the two markets on the first floor and a two-family residence on the second floor. The building covers the entire property and therefore, no on-site parking is available. Nonconforming Review No. 99075 previously authorized the continued operation of the markets.

EXISTING ZONING

The subject property is zoned R-3 (Limited Multiple Residence Zone) in the Eastside Unit No. 1 Zoned District and is located within the East Los Angeles Community Standards District (CSD).

Surrounding properties are zoned as follows:

North: R-2 (Two-Family Residence Zone) and R-3

South: R-3

East: R-2 and IT (Institutional Zone)

West: R-3

EXISTING LAND USES

The subject property is developed with a two-story building containing the neighborhood market and meat market on the first floor and a two-family residence on the second floor.

Surrounding properties are developed as follows:

North: Single-family residences, a two-family residence, and a store

South: Single-family residences and a store

East: Single-family residences and an elementary school

West: Single-family residences

PREVIOUS CASES/ZONING HISTORY

Regional Planning does not have any record of approval for the construction of the building; however, the Los Angeles County Assessor's Building Description Blanks identify the construction of a two-story building containing two stores on the first floor and a two-family residence on the second floor in 1928.

Ordinance No. 1690 was adopted by the Board of Supervisors on June 24, 1929, and established the R-4 zone on the subject property.

Ordinance No. 880153Z was adopted by the Board of Supervisors on October 14, 1988, and established the R-3 zone on the subject property.

Nonconforming Review No. 99075 was approved by the Regional Planning Commission on September 15, 1999, and authorized the continued operation of an existing neighborhood convenience store with the sale of beer and wine for off-site consumption and a meat market. This permit expired on August 18, 2009.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The building was originally constructed in 1928 and no changes are proposed to the structure or the uses on the property. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the Medium-Density Residential (30 dwelling units per acre) land use category of the East Los Angeles Community Plan. This designation is intended for apartments and other multi-family housing. The two markets were established prior to the adoption of the East Los Angeles Community Plan and serve the surrounding local community. Furthermore, there is a two-family residence on the second floor of the building. Therefore, the existing building contains uses which are consistent with the permitted uses of the underlying land use category and provide necessary services to the local community.

The following policy of the General Plan is applicable to the proposed project:

- Maintain and conserve sound existing development. (Policy 20, Page I-21)

The markets have been in operation for many years and no changes are proposed to the existing building. The project will help to ensure the on-going viability of the existing businesses, thus helping to maintain the existing development.

The following policy of the East Los Angeles Community Plan is applicable to the proposed project:

- Eliminate industrial and commercial uses from residential areas, except existing neighborhood oriented ("mom and pop") stores that fill a neighborhood need and are compatible with surrounding uses. Channel industrial and commercial development into specific areas and designate appropriate "mom and pop" uses as special needs uses (Land Use, Page 3)

The markets were designed without on-site parking because they were meant to be neighborhood oriented "mom and pop" stores. They are located on a corner lot across the street from an elementary school which provides a convenient location within the community. The services they provide and the location of the property make the markets "special needs uses."

Zoning Ordinance and Development Standards Compliance

Grocery stores or other retail stores are not permitted uses within the R-3 zone. However, the stores on the subject property are considered legal, nonconforming uses because they were established prior to the zoning designation. Pursuant to Section 22.56.1550 of the County Code, an approved Nonconforming Review is required in order to extend the time within which a nonconforming use or building or structure nonconforming due to use, or due to standards where applicable must be discontinued and removed from its site.

The neighborhood convenience market currently holds a Type 20 license from the California Department of Alcoholic Beverage Control (ABC) for the sale beer and wine for off-site consumption only. According to ABC's license query system, the establishment has maintained this license since April 7, 1992. Since this license was issued by ABC prior to the Department of Regional Planning's requirement for an approved CUP, the neighborhood market holds a "grandfathered" grant to sell beer and wine for off-site consumption.

Sections 22.20.300 to 22.20.330 of the County Code identify the following development standards for establishments in the R-3 zone:

- Dwelling Unit Density
Pursuant to Section 22.20.310, the required area per dwelling unit shall not exceed 30 units per net acre. Based on the lot area of 2,500 square feet, one dwelling unit is allowed on this property. However, the two-family residence was constructed prior to the zoning designation for this property and no changes to the existing density are proposed as part of this project.
- Yard Requirements
Pursuant to Section 22.20.320, premises in the R-3 zone shall be subject to the following yard requirements: front yards shall not be less than 15 feet, reversed corner side yards shall be not less than 7.5 feet, interior side yards shall be not less than 5 feet, and rear yard shall be not less than 15 feet. The existing building does not have any setbacks from the property lines, but was constructed prior to these yard requirements.
- Parking
Pursuant to Section 22.20.330, parking facilities shall be provided as required by Part 11 of Chapter 22.52. Section 22.52.1100 requires commercial uses to maintain one automobile parking space for each 250 square feet of floor area. The total area of the markets is 2,500 square feet; therefore, 10 parking spaces are required based on current standards. Section 22.52.1180 requires one and one-half covered, plus one-half uncovered standard parking spaces for each two-family residence. For the two-family residence, three covered parking spaces plus one uncovered parking space would be required. Based on current standards, a total of 14 parking spaces (including 11 uncovered and 3 covered parking spaces) would be required for the uses on the subject property. However, prior to 1943, no regulations in the County Code set a minimum

number of parking spaces required for specific uses. The building was constructed in 1928, and no on-site parking is provided. Because the site was in compliance with the parking requirements at the time it was established, and because there are no additions or changes in use proposed, no requirements for additional parking are triggered. Therefore, the applicant satisfies the parking requirements applicable to the project.

Pursuant to Section 22.44.118 of the County Code, establishments in the East Los Angeles Community Standards District ("CSD") are subject to the following development standards:

- Signage
No signage is proposed as a part of this project.
- Height
The maximum height permitted in the R-3 zone shall be 35 feet. The height of the existing building is 22 feet; therefore, the building height is consistent with the development standard listed in the CSD.
- Landscaping
The required front yard shall contain a minimum of 50 percent landscaping. The site was developed prior to the landscaping requirement. However, the applicant is proposing four new planter boxes to the satisfaction of the Department of Public Works as was required by Condition No. 11.n. of Nonconforming Review No. 99075.

Site Visit

Staff conducted a site visit on December 27, 2012, and found that the current plans are consistent with the site. There was a minor amount of graffiti on the side of the building and some brooms on display in front of the meat market which will be addressed in the proposed conditions of approval. The markets were designed to be neighborhood-serving and no on-site parking is provided. There is street parking along Lanfranco Street towards the rear of the lot and a yellow curb in front of the meat market along Rowan Avenue. The location of the markets is convenient to the local community in that it is located on a corner lot adjacent to residential properties, but is across the street from the elementary school.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.1550 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

Neighborhood Impact/Land Use Compatibility

The existing building was constructed in 1928 before the property was given the R-4 zoning designation. The markets were allowed to continue operation with the approval of Nonconforming Review No. 99075, which expired in 2009. No changes to the existing building or to the uses on the site are proposed as part of this project. The markets are

conveniently located within a residential neighborhood on a corner lot across the street from an elementary school. Additionally, Rowan Avenue contains two other commercial shops within 500 feet of the subject property. They provide a service to the local community and are protected by the policy within the East Los Angeles Community Plan about neighborhood oriented stores that fill a neighborhood need and are compatible with surrounding uses. Therefore, the two existing markets will not adversely affect the health, peace, comfort or welfare of persons residing or working in the area, or endanger or otherwise constitute a menace to the public health, safety or general welfare.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

The Fire Department sent a response dated September 21, 2010 to Regional Planning indicating that they have no additional comments or requests for this project. The Sheriff sent a response dated March 20, 2012 providing a summary of calls for service for the past five years and indicated that they "appeared to be minimal."

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PUBLIC COMMENTS

Staff has not received any comments at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number 99075-(1), Nonconforming Review Number 201000008, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

<p>I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE NONCONFORMING REVIEW NUMBER 201000008 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.</p>

Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

Attachments:

Draft Findings, Draft Conditions of Approval

Correspondence

Site Photographs

Site Plan, Land Use Map

MM:KK

8/1/2013

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. 99075-(1)
NONCONFORMING REVIEW NO. 201000008**

1. **ENTITLEMENT REQUESTED.** The applicant, Marcelo Monroy, is requesting a Nonconforming Review (NCR) to authorize the continued operation of two markets pursuant to County Code Section 22.56.1550 in the R-3 (Limited Multiple Residence) Zone.
2. **HEARING DATE.** September 3, 2013.
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** *To be inserted after public hearing to reflect hearing proceedings.*
4. **PROJECT DESCRIPTION.** The applicant is requesting an NCR for the continued use of a neighborhood convenience market and a meat market. The two-story building contains the two markets on the first floor and a two-family residence on the second floor. The building covers the entire property and therefore, no on-site parking is available. Nonconforming Review No. 99075 previously authorized the continued operation of the markets.
5. **LOCATION.** The existing markets are located at: 533 and 535 S. Rowan Avenue (Assessor Parcel Number: 5238-003-048) in the East Los Angeles area.
6. **EXISTING ZONING.** The subject property is zoned R-3 (Limited Multiple Residence Zone) in the Eastside Unit No. 1 Zoned District and is located within the East Los Angeles Community Standards District (CSD).

Surrounding properties are zoned as follows:

North: R-2 (Two-Family Residence Zone) and R-3

South: R-3

East: R-2 and IT (Institutional Zone)

West: R-3

7. **EXISTING LAND USES.** The subject property is developed with a two-story building containing the neighborhood market and meat market on the first floor and a two-family residence on the second floor.

Surrounding properties are developed as follows:

North: Single-family residences, a two-family residence, and a store

South: Single-family residences and a store

East: Single-family residences and an elementary school

West: Single-family residences

8. **PREVIOUS CASES/ZONING HISTORY.** Regional Planning does not have any record of approval for the construction of the building; however, the Los Angeles

County Assessor's Building Description Blanks identify the construction of a two-story building containing two stores on the first floor and a two-family residence on the second floor in 1928.

Ordinance No. 1690 was adopted by the Board of Supervisors on June 24, 1929, and established the R-4 zone on the subject property.

Ordinance No. 880153Z was adopted by the Board of Supervisors on October 14, 1988, and established the R-3 zone on the subject property.

Nonconforming Review No. 99075 was approved by the Regional Planning Commission on September 15, 1999, and authorized the continued operation of an existing neighborhood convenience store with the sale of beer and wine for off-site consumption and a meat market. This permit expired on August 18, 2009.

9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the Medium-Density Residential (30 dwelling units per acre) land use category of the East Los Angeles Community Plan. This designation is intended for apartments and other multi-family housing. The two markets were established prior to the adoption of the East Los Angeles Community Plan and serve the surrounding local community. Furthermore, there is a two-family residence on the second floor of the building. Therefore, the existing building contains uses which are consistent with the permitted uses of the underlying land use category and provide necessary services to the local community.

The following policy of the General Plan is applicable to the proposed project:

- Maintain and conserve sound existing development. (Policy 20, Page I-21)

The markets have been in operation for many years and no changes are proposed to the existing building. The project will help to ensure the on-going viability of the existing businesses, thus helping to maintain the existing development.

The following policy of the East Los Angeles Community Plan is applicable to the proposed project:

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The markets were designed without on-site parking because they were meant to be neighborhood oriented "mom and pop" stores. They are located on a corner lot across the street from an elementary school which provides a convenient location within the community. The services they provide and the location of the property make the markets "special needs uses."

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** Grocery stores or other retail stores are not permitted uses within the R-3 zone. However, the stores on the subject property are considered legal, nonconforming uses because they were established prior to the zoning designation. Pursuant to Section 22.56.1550 of the County Code, an approved Nonconforming Review is required in order to extend the time within which a nonconforming use or building or structure nonconforming due to use, or due to standards where applicable must be discontinued and removed from its site.

The neighborhood convenience market currently holds a Type 20 license from the California Department of Alcoholic Beverage Control (ABC) for the sale beer and wine for off-site consumption only. According to ABC's license query system, the establishment has maintained this license since April 7, 1992. Since this license was issued by ABC prior to the Department of Regional Planning's requirement for an approved CUP, the neighborhood market holds a "grandfathered" grant to sell beer and wine for off-site consumption.

Sections 22.20.300 to 22.20.330 of the County Code identify the following development standards for establishments in the R-3 zone:

Dwelling Unit Density

Pursuant to Section 22.20.310, the required area per dwelling unit shall not exceed 30 units per net acre. Based on the lot area of 2,500 square feet, one dwelling unit is allowed on this property. However, the two-family residence was constructed prior to the zoning designation for this property and no changes to the existing density are proposed as part of this project.

Yard Requirements

Pursuant to Section 22.20.320, premises in the R-3 zone shall be subject to the following yard requirements: front yards shall not be less than 15 feet, reversed corner side yards shall be not less than 7.5 feet, interior side yards shall be not less than 5 feet, and rear yard shall be not less than 15 feet. The existing building does not have any setbacks from the property lines, but was constructed prior to these yard requirements.

Parking

Pursuant to Section 22.20.330, parking facilities shall be provided as required by Part 11 of Chapter 22.52. Section 22.52.1100 requires commercial uses to maintain one automobile parking space for each 250 square feet of floor area. The total area of the markets is 2,500 square feet; therefore, 10 parking spaces are required based on current standards. Section 22.52.1180 requires one and one-half covered, plus one-half uncovered standard parking spaces for each two-family residence. For the two-family residence, three covered parking spaces plus one uncovered parking space would be required. Based on current standards, a total of 14 parking spaces (including 11 uncovered and 3 covered parking spaces) would be required for the uses on the subject property. However, prior to 1943, no

regulations in the County Code set a minimum number of parking spaces required for specific uses. The building was constructed in 1928, and no on-site parking is provided. Because the site was in compliance with the parking requirements at the time it was established, and because there are no additions or changes in use proposed, no requirements for additional parking are triggered. Therefore, the applicant satisfies the parking requirements applicable to the project.

Pursuant to Section 22.44.118 of the County Code, establishments in the East Los Angeles Community Standards District ("CSD") are subject to the following development standards:

Signage

No signage is proposed as a part of this project.

Height

The maximum height permitted in the R-3 zone shall be 35 feet. The height of the existing building is 22 feet; therefore, the building height is consistent with the development standard listed in the CSD.

Landscaping

The required front yard shall contain a minimum of 50 percent landscaping. The site was developed prior to the landscaping requirement. However, the applicant is proposing four new planter boxes to the satisfaction of the Department of Public Works as was required by Condition No. 11.n. of Nonconforming Review No. 99075.

11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The existing building was constructed in 1928 before the property was given the R-4 zoning designation. The markets were allowed to continue operation with the approval of Nonconforming Review No. 99075, which expired in 2009. No changes to the existing building or to the uses on the site are proposed as part of this project. The markets are conveniently located within a residential neighborhood on a corner lot across the street from an elementary school. Additionally, Rowan Avenue contains two other commercial shops within 500 feet of the subject property. They provide a service to the local community and are protected by the policy within the East Los Angeles Community Plan about neighborhood oriented stores that fill a neighborhood need and are compatible with surrounding uses. Therefore, the two existing markets will not adversely affect the health, peace, comfort or welfare of persons residing or working in the area, or endanger or otherwise constitute a menace to the public health, safety or general welfare.
12. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** The Fire Department sent a response dated September 21, 2010 to Regional Planning indicating that they have no additional comments or requests for this project. The Sheriff sent a response dated March 20, 2012 providing a summary of calls for service for the past five years and indicated that they "appeared to be minimal."

13. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
14. **PUBLIC COMMENTS.** No public comments were received.

NONCONFORMING REVIEW SPECIFIC FINDINGS

15. The location of the establishments is on a corner lot across from the Elementary school which provides a convenient "walk-up" location for local residents within the community and minimizes the traffic.

Therefore, the nonconforming markets do not adversely affect the health, peace or welfare of persons residing or working in the surrounding area.

16. The markets have been in operation for over 10 years and the Sheriff has indicated that there have been minimal calls for service to the property. The request of this application is only to allow the continued operation of the markets. No changes to the site are proposed.

Therefore, the nonconforming markets are not materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site.

17. The markets are required to operate in compliance with all health and safety regulations.

Therefore, the nonconforming markets do not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

ENVIRONMENTAL DETERMINATION

18. The project request is for the continued operation and maintenance of two existing markets. No changes are proposed to the building or the existing uses on the property.

Therefore, the project qualifies as a Categorical Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

19. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to fifteen (15) years.
20. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is

based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That such use, building or structure does not now and will not during the time extension period requested:
- i. Adversely affect the health, peace or welfare of persons residing or working in the surrounding area, or
 - ii. Be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site, or
 - iii. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Nonconforming Review as set forth in Section 22.56.1550 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer determines that the project is exempt from the California Environmental Quality Act pursuant to the Class 1 – Existing Facilities categorical exemption.
2. In view of the findings of fact and conclusions presented above, Nonconforming Review No. 201000008 is **APPROVED** subject to the attached conditions.

MM:KK
8/1/2013

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. 99075-(1)
NONCONFORMING REVIEW NO. 201000008**

PROJECT DESCRIPTION

The project is for a Nonconforming Review (NCR) to authorize the continued operation and maintenance of a nonconforming neighborhood convenience market (located at 533 S. Rowan Avenue) and a nonconforming meat market (located at 535 S. Rowan Avenue) subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9, shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense,

including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on September 3, 2028.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Nonconforming Review application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the two nonconforming markets and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with

the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$2,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **five (5) annual inspections followed by five (5) biennial (one every other year) inspections**. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal

decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

19. Approval of this grant shall not permit construction, alteration, enlargement, or expansion of any structures, or any modification of use, except as may be permitted under Section 22.56.1510 of the Zoning Ordinance. Any modification, addition, or enlargement pursuant to Section 22.56.1510 shall first be approved by the Director.

PROJECT SITE SPECIFIC CONDITIONS

20. This grant shall authorize the continued operation and maintenance of a nonconforming neighborhood convenience market and a nonconforming meat market.
21. Outside storage and display on the subject property is expressly prohibited.
22. One business identification sign is permitted for the neighborhood convenience market and one business identification sign is permitted for the meat market; said signs shall be located on the building frontage and shall conform to the requirements of Zone C-1 and the East Los Angeles Community Standards District. Obtain all applicable permits from the Department of Public Works for proposed signs that encroach into the public right-of-way.
23. The placement of portable signs on sidewalks adjacent to the subject property is prohibited.
24. The placement of vending machines on sidewalks adjacent to the subject property is prohibited.

25. The permittee shall provide exterior lighting facilities maintained in working order with sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the Rowan Avenue and Lanfranco Street store frontages. Direct illumination shall be provided for the public telephones located along the Lanfranco Street building frontage.
26. Public telephones located along the building exterior shall be restricted to outgoing calls only.
27. The permittee shall provide a total of four (4) planter boxes adjacent to the entrance of said markets' entrances (one planter box shall be placed on either side of each market's entrance door). Prior to placement of said planter boxes, the permittee shall obtain all necessary permits as may be required by the Department of Public Works. This requirement may be waived at the Director's discretion if it is determined that said condition places an economic burden on the permittee.



Los Angeles County
Department of Regional Planning
Planning for the Challenges Ahead



NONCONFORMING REVIEW BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.1550, the applicant shall substantiate the following facts:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

THIS IS A LOCATION ONLY TO TAKE OUT SO
OUR STORE WILL NOT AFFECT ANYBODY
IN THE NEIGHBORHOOD.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, and loading facilities, landscaping and other development features prescribed in this Ordinance, or as is otherwise required in order to integrate said use with the uses in surrounding area.

OUR STORE IS VERY ADEQUATE TO
ACCOMMODATE ANYTHING PROPOSED
BY THE COUNTY

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

THE HIGHWAYS ARE VERY CLOSE
TO OUR STORE, AND THE STREETS ARE
NOT WITH A LOT OF TRAFFIC.

D. That the nature of the improvement is such that to require cessation of use would impair the property rights of any person to such an extent as to be an unconstitutional taking of property.

OUR STORE WILL NOT CHANGE ANYTHING
IN THE NEIGHBORHOOD.

E. That such adjustment will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity.

THE NEIGHBORHOOD WILL NOT BE
AFFECTED IN ANY WAY BECAUSE
OUR STORE HAS SEVERAL YEARS
WITHOUT HAVING PROBLEMS OR CONFLICTS



COUNTY OF LOS ANGELES FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040-3027

DATE: September 21, 2010

TO: Department of Regional Planning
Permits and Variances

PROJECT #: NCR 99-075

LOCATION: 533-535 S. Rowan St., East LA

- ☒ The Fire Department Land Development Unit has no requirements for this permit.
- ☐ The required fire flow for this development is ____ gallons per minute for _ hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- ☐ Install __ Public and/or __ On-site and/or __ Verify / Upgrade 6" X 4" X 2 1/2" fire hydrants, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- ☒ **Comments:** The Fire Department has cleared this project for public hearing.
- ☐ **Location:** _____
- ☐ **Access:** _____
- ☐ **Special Requirements:** _____

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: Juan C. Padilla

Land Development Unit – Fire Prevention Division – Office (323) 890-4243 Fax (323) 890-9783



LEROY D. BACA, SHERIFF

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



March 20, 2012

Los Angeles County Department
of Regional Planning
Ms. Diane Aranda, Assistant Regional Planner
320 West Temple Street, Room # 1346
Los Angeles, California 90012



Re: Non-Conforming Review
"Rowan Market/Carniceria "El Torito"
535 S Rowan Avenue, Los Angeles CA 90022

Dear Ms. Aranda:

It is my understanding owner(s) of the "Rowan Market" have applied for a Non-Conforming Review for the business located at 535 S. Rowan Avenue, Los Angeles. While I am not advocating my support or opposition to their request for such a permit, it is my responsibility to provide the necessary factual information for those who will make that decision.

This market is situated in the middle of a residential neighborhood and directly across the street from Rowan Elementary School. The store is open before, during and after school. Calls for service for the last five years appears to be minimal. Five calls for service in 2008 for alarm calls, a burglary to the location in 2010 and a few contacts by deputies in front of the location with just one resulting in an arrest for a warrant.

Currently, the policing area of unincorporated East Los Angeles consist of 7.89 square miles. It is comprised of twenty-seven census tracts with approximately one hundred sixty-eight retail liquor licenses. This is not including the 7.00 square miles of the City of Commerce which also has three census tracts with approximately twenty-five retail liquor licenses, the City of Maywood which is 1.18 square miles with seven census tracks and approximately forty-five retail liquor licenses and the City of Cudahy which is 1.22 square miles, 6 census tracks and approximately twenty-one retail liquor licenses.

If the non-conforming review is granted, we would hope they continue to be a responsible business and not allow consumption of alcohol at their location and/or allow "drunks" to congregate outside their business.

A Tradition of Service

Ms. Diana Aranda

- 2 -

March 20, 2012

If you have any questions or wish to discuss this matter further, you may contact me, Lieutenant Arellano or Deputy Scott S. Hennessy, at East Los Angeles Station, at (323) 264-4151.

Sincerely,

LEROY D. BACA, SHERIFF

A handwritten signature in black ink, appearing to read "Henry M. Romero", written over the printed name of the signatory.

Henry M. Romero, Captain
East Los Angeles Station







Los Angeles County
Department of Regional Planning
Director of Planning James E. Hartl, AICP



September 16, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. William Vasquez
500 East Pine Street
Alhambra, CA 91801

RE: NONCONFORMING USE AND STRUCTURE REVIEW CASE NO. 99-075-(1)
533-535 South Rowan Avenue, East Los Angeles

Dear Applicant:

The Regional Planning Commission, by its action of September 15, 1999, **APPROVED** the above described nonconforming use and structure review case.

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Regional Planning Commission's decision to the Board of Supervisors through the office of Joanne Sturges, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant.

If no appeal is made during this 15-day period, the Regional Planning Commission action is final. Upon completion of the 15-day period, the applicant can submit to the Department of Regional Planning staff the acceptance affidavit and any fees, deposits, plans or other materials required by the permit conditions. If you have any questions regarding this matter, please contact the Zoning Permits Section at (213) 974-6443.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING
James E. Hartl, AICP
Director of Planning

John R. Gutwein, AICP
Supervising Regional Planner
Zoning Permits Section

JRG:APC:apc

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion).

c: Board of Supervisors; Department of Public Works (Building and Safety); Department of Public Works (Subdivision Mapping); Zoning Enforcement; testifiers.

NONCONFORMING USE AND STRUCTURE REVIEW CASE NO. 99-075-(1)
PAGE 1 OF 5

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES

NONCONFORMING USE AND STRUCTURE REVIEW CASE NO. 99-075-(1)

COMMISSION HEARING DATE:

August 18, 1999

SYNOPSIS:

The applicant has requested a Nonconforming Use and Structure Review to authorize the continued operation of an existing neighborhood convenience store with the sale of beer and wine for off-site consumption and a meat market.

PROCEEDINGS BEFORE THE COMMISSION:

August 18, 1999 Public Hearing

A duly noticed public hearing was held. All Commissioners were present. Six persons were sworn: the applicant, three individuals representing the applicant, one Los Angeles County Sheriff's Department detective and one Regional Planning zoning enforcement staff member. The applicant and his representatives first gave testimony in support of the permit request and answered questions posed by the Commission. A Sheriff's Department detective next testified regarding the importance of restricting the pay phones located on the subject building's exterior to outgoing calls and commented on crime patterns in the surrounding neighborhood. Regional Planning zoning enforcement staff then gave testimony recommending a 10-year grant for the subject permit.

There being no further testimony, the Commission closed the public hearing and instructed staff to prepare findings and conditions for approval with the following additional conditions:

- The permittee shall conduct annual community outreach meetings with the local Neighborhood Watch Group and the First Supervisorial District's "More Advocates for Safer Homes" (MASH) program to address any potential concerns raised by neighboring residents regarding the markets' operation. The permittee shall submit the minutes of said meeting to the Department of Regional Planning on an annual basis.
- The permittee shall provide a total of four (4) planter boxes adjacent to the entrance of said markets' entrances (one planter box shall be placed on either side of each market's entrance door) to the satisfaction of the Director of Planning. Prior to placement of said planter boxes, the permittee shall obtain all necessary permits as may be required by the Department of Public Works. This requirement may be waived at the Director's discretion if it is determined that said condition places an undue economic burden on the permittee.

NONCONFORMING USE AND STRUCTURE REVIEW CASE NO. 99-075-(1)
PAGE 2 OF 5

- The permittee shall provide exterior lighting equipment with sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the Rowan Avenue and Lanfranco Avenue store frontages. Direct illumination shall be provided for the public telephones located along the Lanfranco Avenue building frontage.
- Beer sales at the neighborhood convenience market shall be limited to a minimum quantity of six packs or greater. No individual sale of beer cans or bottles shall be permitted.
- Public telephones located along the building exterior shall be restricted to outgoing calls only.
- The permittee shall post a sign at the entrance of the neighborhood convenience market, in both English and Spanish, displaying the contact telephone numbers of the market's owner, the Department of Regional Planning Zoning Enforcement Section and the East Los Angeles Sheriff station for reporting any problems which may occur related to the market's operation.

Findings:

1. The applicant has requested a Nonconforming Use and Structure Review to authorize the continued operation of an existing neighborhood convenience market with the sale of beer and wine for off-site consumption and a meat market.
2. The 2,500-sq. ft. subject property is located at the northwest corner of Rowan Avenue and Lanfranco Avenue in unincorporated East Los Angeles, within the Eastside Unit #1 Zoned District.
3. The subject property is zoned R-3 (Limited Multiple Residence). Commercial uses are not permitted in the R-3 zone.
4. Surrounding zoning consists of R-3 and R-2 (Two Family Residence) to the north, R-3 to the south and west and R-2 to the east.
5. The subject property is classified "Medium Density Residential" in the East Los Angeles Community Plan and is located within the East Los Angeles Community Standards District.
6. The site is improved with a two-story building containing the subject markets on the first floor and two rental units on the second floor.
7. Surrounding land uses consist of single- and multi-family residences and a neighborhood market to the north; single- and multi-family residences and a beauty salon to the south; an elementary school and single- and multi-family residences to the east; and single- and multi-family residences to the west.

NONCONFORMING USE AND STRUCTURE REVIEW CASE NO. 99-075-(1)
PAGE 3 OF 5

8. The applicant's site plan, marked Exhibit "A", depicts a 2,500-sq. ft., square-shaped parcel developed with an existing 2,500-sq. ft., two-story building (no building setbacks exist). The first floor of the structure contains a neighborhood market (1,350-sq. ft.) and an adjacent meat market (1,150-sq. ft.). The second floor of the structure is developed with two, two-bedroom rental units (one rental unit is 1,350-sq. ft. in size and the other is 900-sq. ft.). The site plan depicts no on-site parking spaces. The parcel is fronted by South Rowan Avenue to the east and Lanfranco Avenue to the south.
9. Rental units are a permitted use in the R-3 zone.
10. There are no previous zoning permit cases on with the subject parcel.
11. The neighborhood convenience market is currently licensed by the State to sell beer and wine.
12. Regional Planning staff has received no public comment regarding the request.
13. Staff contacted the East Los Angeles Sheriff Station's crime analysis unit to ascertain whether there has been criminal activity associated with the subject markets and was informed that there has been one incident report filed at the neighborhood market since January 1998 (no incident reports have been filed at the meat market during this period). The report, filed by Sheriff's deputies on July 5, 1998, was for disorderly conduct by a market patron.
14. Staff also spoke with Deputy Elash, one of several deputies assigned to the East Los Angeles Sheriff's Station who routinely patrol the neighborhood. Deputy Elash indicated that he and his fellow deputies have witnessed no remarkable loitering, alcohol or gang-related problems associated with the subject neighborhood market. He noted that criminal activity is likely reduced at the subject market—compared to other similar neighborhood markets in the community—because it is located directly across the street from Rowan Elementary School (on a given shift, Sheriff's deputies make multiple patrols of the elementary school).
15. Staff met with Margaret De La Mora (Vice Principal of Rowan Elementary School, located across Rowan Avenue from the subject property to the east) to find out whether the school has experienced any problems associated with the sale of beer and wine at the subject neighborhood market. Ms. De La Mora's only complaint related to empty beer cans and bottles that have been littered on the school grounds. She further noted the school has experienced no loitering or gang-related problems associated with the market.
16. Regional Planning Zoning Enforcement staff confirms no zoning enforcement actions have been filed on the subject property.
17. The subject markets are well managed and maintained and the grounds are well kept.

NONCONFORMING USE AND STRUCTURE REVIEW CASE NO. 99-075-(1)
PAGE 4 OF 5

18. The subject markets maintain a positive relationship with the surrounding residential community.
19. The fact that the markets are located on a corner lot at the intersection of two rather busy collector streets enables the use to operate without adverse effects on the adjacent residences.
20. Because the majority of the markets' patrons reside in the community and are within walking distance, traffic and parking are not significant issues in this case.
21. To enhance community safety:
 - Lighting facilities are necessary on the Rowan Avenue and Lanfranco Avenue store frontages with sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the property during early morning, evening and nighttime hours;
 - Public telephones located along the building's Lanfranco Avenue frontage must be restricted to outgoing calls and it is necessary that direct illumination be provided for said phones;
 - Beer sales at the subject neighborhood market must be limited to a quantity of six-pack or greater (to reduce littering of beer cans and bottles in the surrounding neighborhood).
22. It is necessary for the applicant to hold annual community outreach meetings to provide a forum for community members to voice concerns that may arise in the future about the markets' operation.
23. In order for the two markets to enhance their appearance and contribute to community beautification, it is necessary for the applicant to install planter boxes (4) along the subject property's Rowan Avenue street frontage.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

REGARDING THE NONCONFORMING USE AND STRUCTURE REVIEW:

- A. That such use does not now and will not during the extension period requested adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;

NONCONFORMING USE AND STRUCTURE REVIEW CASE NO. 99-075-(1)
PAGE 5 OF 5

- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, landscaping and other development features;
- C. That the proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required;
- D. That compatibility with surrounding land uses will be ensured through implementation of the attached conditions.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Nonconforming Use and Structure Review as set forth in Section 22.56.1550 (C) of Title 22 of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. Approve the Categorical Exemption (Class 1) for this project and certify that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact presented above, Nonconforming Use and Structure Review No. 99-075-(1) is **APPROVED** subject to the attached conditions.

VOTE 4-0-1

Concurring: Campbell, Toy, Vargo, Pederson

Dissenting:

Abstaining:

Absent: Feldman

Action Date: September 15, 1999

NONCONFORMING USE AND STRUCTURE REVIEW
CASE NO. 99-075-(1)

CONDITIONS
PAGE 1 OF 5

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according Los Angeles County Code Section 2.170.010.
5. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested before the expiration date.

**NONCONFORMING USE AND STRUCTURE REVIEW
CASE NO. 99-075-(1)**

**CONDITIONS
PAGE 2 OF 5**

6. This grant will terminate August 18, 2009. Entitlement to use the property thereafter shall be subject to the regulations then in effect.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of \$1,000.00. The fee shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for 10 annual inspections.

If any future inspection discloses that the subject properties are being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.
11. This grant authorizes the continued operation and maintenance of a nonconforming neighborhood convenience market (located at 533 S. Rowan Avenue) with the sale of beer and wine for off-site consumption and an adjacent nonconforming meat market (located at S. 535 Rowan Avenue), subject to the following conditions:
 - a. Approval of this grant shall not permit construction, alteration, enlargement, or expansion of any structures, or any modification of use, except as may be permitted under Section 22.56.1510 of the Zoning Ordinance. Any modification, addition, or enlargement provided by said Section 22.56.1510 shall first be approved by the Director of Planning;

NONCONFORMING USE AND STRUCTURE REVIEW
CASE NO. 99-075-(1)

CONDITIONS
PAGE 3 OF 5

- b. Outside storage and display on the subject property is expressly prohibited;
- c. One business identification sign is permitted for the neighborhood convenience market and one business identification sign is permitted for the meat market; said signs shall conform to the requirements of Zone C-1 and shall be located on the building frontage. The placement of portable signs on sidewalks adjacent to the subject property is expressly prohibited;
- d. The permittee shall maintain the subject property in a neat and orderly fashion;
- e. The hours of operation for the subject markets shall be limited to those hours between 7:00 a.m. and 9:00 p.m., seven (7) days per week;
- f. The permittee shall post signage on the premises, in both English and Spanish, prohibiting consumption of alcoholic beverages on site, open containers and prohibiting loitering;
- g. No beer or wine shall be displayed within five feet of the cash register or the front door, unless it is in a permanently affixed cooler;
- h. No beer and wine display shall be made from an ice tub;
- i. Beer sales at the neighborhood convenience market shall be limited to a minimum quantity of six packs or greater. No individual sale of beer cans or bottles shall be permitted;
- j. The permittee shall provide exterior lighting facilities with sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the Rowan Avenue and Lanfranco Avenue store frontages. Direct illumination shall be provided for the public telephones located along the Lanfranco Avenue building frontage;
- k. Public telephones located along the building exterior shall be restricted to outgoing calls only
- l. The advertisement of alcoholic beverages is expressly prohibited on the subject property, both within the subject neighborhood convenience market and on the structure's exterior; the permittee shall provide for the removal of all such existing advertising within 30 days of the effective date of this grant;

- m. The permittee shall conduct annual community outreach meetings with the local Neighborhood Watch Group and the First Supervisorial District's "More Advocates for Safer Homes" (MASH) program participants to address any potential concerns raised by neighboring residents regarding the markets' operation. The permittee shall submit the minutes of said meeting to the Department of Regional Planning on an annual basis.
 - n. The permittee shall provide a total of four (4) planter boxes adjacent to the entrance of said markets' entrances (one planter box shall be placed on either side of each market's entrance door) to the satisfaction of the Director of Planning. Prior to placement of said planter boxes, the permittee shall obtain all necessary permits as may be required by the Department of Public Works. This requirement may be waived at the Director's discretion if it is determined that said condition places an undue economic burden on the permittee;
 - o. The permittee shall post a sign at the entrance of the neighborhood convenience market, in both English and Spanish, displaying the contact telephone numbers of the market's owner, the Department of Regional Planning Zoning Enforcement Section and the East Los Angeles Sheriff station for reporting any problems which may occur related to the market's operation.
- 13. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
 - 14. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings or signage by the close of the next business day following such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. (For free, anonymous graffiti removal service, the permittee may contact the Los Angeles County graffiti removal hotline at 800-675-4357.)
 - 15. The subject property shall be maintained in substantial compliance with the plans on file marked Exhibit "A". In the event that subsequent revised plans are submitted the written authorization of the property owner is necessary.
 - 16. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans on file.

NONCONFORMING USE AND STRUCURE REVIEW
CASE NO. 99-075-(1)

CONDITIONS
PAGE 5 OF 5

17. The subject facilities shall be maintained in compliance with requirements of the Los Angeles County Department of Health Services.
18. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.

JRG:APC:apc 8-9-99